

United States District Court
Northern District of Illinois – CM/ECF LIVE, Ver 3.2.3 (Chicago)
CIVIL DOCKET FOR CASE #: 1:09-cv-04443

McNeil, et al. v. IKO Manufacturing, Inc., et al.
Assigned to: Honorable Samuel Der-Yeghiayan
Demand: \$9,999,000
Cause: 28:1332 Diversity-Contract Dispute

Date Filed: 07/23/2009
Date Terminated: 12/08/2009
Jury Demand: Plaintiff
Nature of Suit: 195 Contract Product Liability
Jurisdiction: Diversity

Plaintiff

Pamela D. McNeil

represented by **Arnold Levin**
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Plaintiff

James K Cantwil
*class representatives on behalf of themselves
and others similarly situated*

represented by **Arnold Levin**
(See above for address)
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Michael Alan Johnson
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ATTORNEY TO BE NOTICED

Shawn J. Wanta
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V.

Defendant

IKO Manufacturing, Inc.
a Delaware Corporation

represented by **Nathan P. Eimer**
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TERMINATED: 09/09/2009
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TERMINATED: 09/09/2009

Defendant

IKO Industries, Ltd.
a Canadian corporation

Defendant

IKO Chicago, Inc.
an Illinois corporation

represented by **Nathan P. Eimer**
(See above for address)
TERMINATED: 09/09/2009
LEAD ATTORNEY

Andrew George Klevorn
(See above for address)
TERMINATED: 09/09/2009

Christopher Mac Neil Murphy
(See above for address)
ATTORNEY TO BE NOTICED

John Kenneth Theis
(See above for address)

TERMINATED: 09/09/2009

Defendant

IKO Sales, Ltd.
a Canadian corporation

Defendant

IKO Pacific, Inc.
a Washington corporation

represented by **Nathan P. Eimer**
 (See above for address)
 TERMINATED: 09/09/2009
 LEAD ATTORNEY

Andrew George Klevorn
 (See above for address)
 TERMINATED: 09/09/2009

Christopher Mac Neil Murphy
 (See above for address)
 ATTORNEY TO BE NOTICED

John Kenneth Theis
 (See above for address)
 TERMINATED: 09/09/2009

Date Filed	#	Docket Text
07/23/2009	<u>1</u>	CIVIL Cover Sheet (Johnson, Michael) (Entered: 07/23/2009)
07/23/2009	<u>2</u>	ATTORNEY Appearance for Plaintiff pamela d mcniel by Michael Alan Johnson (Johnson, Michael) (Entered: 07/23/2009)
07/24/2009	<u>3</u>	COMPLAINT <i>Receipt # 07520000000003952023</i> filed by James K Cantwil, pamela d mcniel; Jury Demand. (Johnson, Michael) (Entered: 07/24/2009)
07/24/2009	<u>1</u>	CASE ASSIGNED to the Honorable Samuel Der-Yeghiayan. Designated as Magistrate Judge the Honorable Martin C. Ashman. (jn,) (Entered: 07/24/2009)
07/31/2009	<u>4</u>	MINUTE entry before the Honorable Samuel Der-Yeghiayan: Initial status hearing set for 09/24/09 at 9:00 a.m. At least four working days before the initial status hearing, the parties shall conduct a FRCP 26(f) conference and file a joint written Initial Status Report, not to exceed five pages in length, and file the Court's Joint Jurisdictional Status Report and deliver courtesy copies to this Court's chambers. The Court's standing orders on the Initial Status Report and Joint Jurisdictional Status Report maybe obtained from Judge Der-Yeghiayan's web page or from this Court's Courtroom Deputy. Counsel for the Plaintiff is warned that failure to serve summons and complaint on Defendants will result in a dismissal of the action and/or a dismissal of that Defendant not properly served pursuant to FRCP 4. Counsel for Plaintiff is further directed to file with the Clerk of Court, the appropriate returns of service and/or waivers of service. Mailed notice (mw,) (Entered: 07/31/2009)
08/04/2009	<u>5</u>	MOTION for Leave to Appear Pro Hac Vice Filing fee \$ 50, receipt number 07520000000003979985. (Johnson, Michael) (Entered: 08/04/2009)

08/04/2009	<u>¶ 6</u>	MOTION for Leave to Appear Pro Hac Vice Filing fee \$ 50, receipt number 07520000000003980082. (Johnson, Michael) (Entered: 08/04/2009)
08/04/2009	<u>¶ 7</u>	MOTION for Leave to Appear Pro Hac Vice Filing fee \$ 50, receipt number 07520000000003980142. (Johnson, Michael) (Entered: 08/04/2009)
08/04/2009	<u>¶ 8</u>	SUMMONS Issued as to Defendants IKO Manufacturing, Inc., IKO Industries, Ltd., IKO Chicago, Inc., IKO Sales, Ltd., IKO Pacific, Inc. (jj,) (Entered: 08/05/2009)
08/06/2009	<u>¶ 9</u>	SUMMONS Returned Executed by Pamela D. McNeil, James K Cantwil as to IKO Pacific, Inc. on 8/4/2009, answer due 8/24/2009. (Johnson, Michael) (Entered: 08/06/2009)
08/06/2009	<u>¶ 10</u>	SUMMONS Returned Executed by Pamela D. McNeil, James K Cantwil as to IKO Manufacturing, Inc. on 8/4/2009, answer due 8/24/2009. (Johnson, Michael) (Entered: 08/06/2009)
08/06/2009	<u>¶ 11</u>	SUMMONS Returned Executed by Pamela D. McNeil, James K Cantwil as to IKO Chicago, Inc. on 8/4/2009, answer due 8/24/2009. (Johnson, Michael) (Entered: 08/06/2009)
08/10/2009	<u>¶ 12</u>	ATTORNEY Appearance for Defendants IKO Manufacturing, Inc., IKO Chicago, Inc., IKO Pacific, Inc. by Nathan P. Eimer (Eimer, Nathan) (Entered: 08/10/2009)
08/10/2009	<u>¶ 13</u>	ATTORNEY Appearance for Defendants IKO Manufacturing, Inc., IKO Chicago, Inc., IKO Pacific, Inc. by Andrew George Klevorn (Klevorn, Andrew) (Entered: 08/10/2009)
08/10/2009	<u>¶ 14</u>	ATTORNEY Appearance for Defendants IKO Manufacturing, Inc., IKO Chicago, Inc., IKO Pacific, Inc. by John Kenneth Theis (Theis, John) (Entered: 08/10/2009)
08/10/2009	<u>¶ 15</u>	MOTION by Defendants IKO Manufacturing, Inc., IKO Chicago, Inc., IKO Pacific, Inc. for extension of time to file answer <i>to Plaintiffs' Complaint</i> (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Proposed Order)(Eimer, Nathan) (Entered: 08/10/2009)
08/10/2009	<u>¶ 16</u>	NOTICE of Motion by Nathan P. Eimer for presentment of motion for extension of time to file answer <u>15</u> before Honorable Samuel Der-Yeghiayan on 8/13/2009 at 09:00 AM. (Eimer, Nathan) (Entered: 08/10/2009)
08/10/2009	<u>¶ 17</u>	NOTIFICATION of Affiliates pursuant to Local Rule 3.2 by IKO Manufacturing, Inc. (Eimer, Nathan) (Entered: 08/10/2009)
08/10/2009	<u>¶ 18</u>	NOTIFICATION of Affiliates pursuant to Local Rule 3.2 by IKO Pacific, Inc. (Eimer, Nathan) (Entered: 08/10/2009)
08/10/2009	<u>¶ 19</u>	NOTIFICATION of Affiliates pursuant to Local Rule 3.2 by IKO Chicago, Inc. (Eimer, Nathan) (Entered: 08/10/2009)
08/13/2009	<u>¶ 20</u>	MOTION for Leave to Appear Pro Hac Vice Filing fee \$ 50, receipt number 07520000000004008962. (Johnson, Michael) (Entered: 08/13/2009)
08/13/2009	<u>¶ 21</u>	MOTION for Leave to Appear Pro Hac Vice Filing fee \$ 50, receipt number 07520000000004009148. (Johnson, Michael) (Entered: 08/13/2009)

08/13/2009	<u>¶ 22</u>	MINUTE entry before the Honorable Samuel Der–Yeghiayan: Motion hearing held. Counsel for Defendants IKO Manufacturing, Inc., IKO Chicago, Inc., IKO Pacific, Inc. advised the Court that a motion to consolidate is pending before the MDL Panel. Based upon counsel representations, Defendants responsive pleading to Plaintiffs' complaint is stayed until further order of the Court. Defendants IKO Manufacturing, Inc., IKO Chicago, Inc., IKO Pacific, Inc.'s motion for extension of time to file answer to Plaintiffs' Complaint <u>15</u> is stricken as moot. Shawn Wanta's, Charles LaDuca's, and Brendan Thompson's motions for leave to appear pro hac vice for Plaintiffs <u>5</u> , <u>6</u> , <u>7</u> are granted. Status hearing set for 09/24/09 at 9:00 a.m. to stand. Mailed notice. (jj,) (Entered: 08/14/2009)
09/03/2009	<u>¶ 23</u>	MOTION by Defendants IKO Manufacturing, Inc., IKO Chicago, Inc., IKO Pacific, Inc. to substitute attorney (Klevorn, Andrew) (Entered: 09/03/2009)
09/03/2009	<u>¶ 24</u>	NOTICE of Motion by Andrew George Klevorn for presentment of motion to substitute attorney <u>23</u> before Honorable Samuel Der–Yeghiayan on 9/10/2009 at 09:00 AM. (Klevorn, Andrew) (Entered: 09/03/2009)
09/09/2009	<u>¶ 25</u>	MINUTE entry before the Honorable Samuel Der–Yeghiayan: Defendants IKO Manufacturing, Inc., IKO Chicago, Inc., and IKO Pacific, Inc.'s motion to substitute attorney <u>23</u> is granted. Nathan P. Eimer, Andrew George Klevorn, and John Kenneth Theis are given leave to withdraw their appearances as counsel for Defendants IKO Manufacturing, Inc., IKO Chicago, Inc., and IKO Pacific, Inc. Christopher M. Murphy is given leave to substitute and file his appearance as counsel for Defendants IKO Manufacturing, Inc., IKO Chicago, Inc., and IKO Pacific, Inc. Arnold Levin's and Charles Schaffer's motions for leave to appear pro hac vice for Plaintiffs <u>20</u> , <u>21</u> are granted. Status hearing set for 09/24/09 to stand. Mailed notice. (jj,) (Entered: 09/10/2009)
09/21/2009	<u>¶ 26</u>	MINUTE entry before the Honorable Samuel Der–Yeghiayan: Defendant IKO Manufacturing, Inc.'s request to continue status hearing is granted without objection. Initial status hearing reset to 10/22/09 at 9:00 a.m. Status hearing set for 09/24/09 is stricken. Mailed notice (mw,) (Entered: 09/21/2009)
09/22/2009	<u>¶ 27</u>	MOTION by Defendants IKO Manufacturing, Inc., IKO Chicago, Inc., IKO Pacific, Inc., Plaintiffs Pamela D. McNeil, James K Cantwil to stay <i>Proceedings Pending Decision by the Judicial Panel on Multidistrict Litigation</i> (Attachments: # <u>1</u> Memorandum of Law, # <u>2</u> Exhibit A – Unpublished Cases)(Murphy, Christopher) (Entered: 09/22/2009)
09/22/2009	<u>¶ 28</u>	NOTICE of Motion by Christopher Mac Neil Murphy for presentment of motion to stay, <u>27</u> before Honorable Samuel Der–Yeghiayan on 10/15/2009 at 09:00 AM. (Murphy, Christopher) (Entered: 09/22/2009)
10/14/2009	<u>¶ 29</u>	MINUTE entry before the Honorable Samuel Der–Yeghiayan: Defendants' motion to stay proceedings <u>27</u> is granted to 12/09/09. Status hearing reset to 12/09/09 at 9:00 a.m. Status hearing set for 10/22/09 and noticed motion date of 10/15/09 are stricken as moot. Mailed notice. (jj,) (Entered: 10/15/2009)
10/21/2009	<u>¶ 30</u>	SUMMONS Returned Executed by Pamela D. McNeil, James K Cantwil as to IKO Sales, Ltd. on 9/2/2009, answer due 9/22/2009. (Johnson, Michael) (Entered: 10/21/2009)
11/23/2009	<u>¶ 31</u>	SUMMONS Returned Executed by Pamela D. McNeil, James K Cantwil as to IKO Industries, Ltd. on 9/11/2009, answer due 10/1/2009. (Johnson, Michael) (Entered: 11/23/2009)

12/07/2009	<u>¶ 32</u>	MINUTE entry before the Honorable Samuel Der-Yeghiayan: Counsel for the parties advised this Court's Courtroom Deputy that there was an argument before the MDL and that they are still waiting for a decision. The parties' request to continue status hearing is granted. Status hearing reset to 01/12/10 at 9:00 a.m. Status hearing set for 12/09/09 is stricken as moot. Case remains stayed until 01/12/10. Mailed notice (mw,) (Entered: 12/07/2009)
12/08/2009	<u>¶ 33</u>	CONDITIONAL TRANSFER ORDER from MDL Panel transferring case to USDC for the Central District of Illinois, Urbana Division. (jj,) (Entered: 12/08/2009)
12/08/2009	<u>¶ 34</u>	TRANSFERRED to the Central District of Illinois, Urbana Division the electronic file via CM/ECF. (jj,) (Entered: 12/08/2009)